



EXPRESSMAIL LABEL NO.: EL554225204US
DOCKET NO.: D5009-00002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
David B. Loeper

Group Art Unit: 2164

Examiner: C. Kyle

Serial No.: 09/434,645

Filed: November 5, 1999

For: METHOD, SYSTEM AND COMPUTER PROGRAM FOR AUDITING FINANCIAL
PLANS

Commissioner for Patents
Washington, DC 20231

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MAR 28 2002

Technology Center 2100

Sir:

COMMUNICATION

A Continuation Prosecution Application Request and fee is being filed herewith in response to the final rejection of September 25, 2001, and the Advisory Action of February 8, 2002.

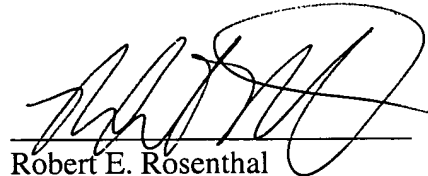
No amendment is being filed. While it is submitted that all claims are allowable in view of the Response submitted November 26, 2001, it is respectfully submitted that, if the Examiner disagrees, a first action final rejection would not be appropriate in view of the Advisory Action of February 8, 2002. The Advisory Action stated that the Applicant's response, timely filed on November 26, 2001, raised new issues which would require further consideration and further search.

Application Serial No. 09/434,645
Examiner Charles Kyle

In view of this statement, it is believed that, if there is a further rejection, such a rejection would respond to new issues raised in the Response of November 26, 2001, and that therefore a final rejection would not be procedurally appropriate.

Respectfully submitted,

Date: March 25, 2002

A handwritten signature in black ink, appearing to read 'R. Rosenthal', is written over a horizontal line.

Robert E. Rosenthal
Registration No. 33,450
Attorney for Applicant

DUANE MORRIS LLP
One Liberty Place
Philadelphia, PA 19103-7396
(215) 979-1000

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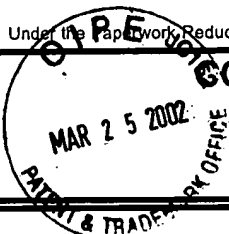
03.26.02

PTO/SB/29 (10-00)

Approved for use through 10/31/2002. OMB 0651-0032

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CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☐ DUPLICATE

Address to:

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

Attorney Docket No.
of Prior Application

D5009-00002

First Named Inventor

Loeper

Examiner Name

Charles Kyle

Group Art Unit

2164

Express Mail Label No.

EL554225204US

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),(continued prosecution application (CPA)) of prior application number 09 / 434,645filed on 11/05/99, entitled METHOD, SYSTEM AND COMPUTER PROGRAM FOR AUDITING FINANCIAL PLANS

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☒ Enter the unentered amendment previously filed on November 26, 2001 under 37 CFR 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
.....
 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed: 03/27/2002 AWONDAF1 00000147 09434645
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

01 FC:231
02 FC:203

370.00 OP
9.00 OP

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))	21	-20* =	1	x \$ 18.00 =	\$ 18.00
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	3	-3** =		x \$ _____ =	
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ _____ =	
				BASIC FEE (37 CFR 1.16)	740.00
				Total of above Calculations =	758.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.					TOTAL = 379.00

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 04 - 1879 :

a. ☒ Fees required under 37 CFR 1.16.b. ☒ Fees required under 37 CFR 1.17.c. ☐ Fees required under 37 CFR 1.18.8. ☒ A check in the amount of \$ 579.00 is enclosed.9. ☐ Payment by credit card. Form PTO-2038 is attached.10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.11. ☐ New Attorney Docket Number, if desired _____*[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]*12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)13. ☒ Other: Petition for Extension of Time and Communication**NOTE:***The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.***14. NEW CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Labelor ☐ New correspondence address below

Name					
Address					
City	State	Zip Code			
Country	Telephone	Fax			

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print IType)

Robert E. Rosenthal

Signature

Registration No. (Attorney/Agent)

33,450

Date

March 25, 2002